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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/325,143	06/03/1999	CHIN-HUI LEE	LEE22-1	2458

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/325,143

Applicant(s)

LEE, CHIN-HUI

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: page 1, line 3 of the specification is missing the application number. Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-4 and 6-7** are rejected under 35 U.S.C. 102(b) as being anticipated by Walsh et al. (US 5,797,124).

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Regarding **claim 1**, Walsh discloses a voice-controlled voice mail (column 2, lines 44-46) (which includes a method that reads on claimed "a method of spotting a key segment") comprising the steps of:

input a name (column 2, line 66 to column 3, line 3) (which reads on claimed "identifying a key segment");

generates a speech recognition template (column 3, lines 4-6) (which reads on claimed "storing characteristics of the key segment");

receiving a voice message (column 3, lines 19-22);

comparing the input to the voice templates (column 3, line 32) (which reads on claimed "the characteristics of stored key segment against the voice message") to detect the key segment within the voice message (column 3, lines 27-36);

receiving a particular header (column 3, line 54) (which reads on claimed "an enquiry for the key segment") (column 3, lines 51-54); and

retrieving the key segment from the voice message (column 3, lines 55-58).

Walsh states on column 3, lines 51-58:

At step 220, system 114 announces the number of new messages and plays the headers of current messages in rapid succession. After the headers are played, system 114 waits for the subscriber to speak a particular header (step 222). After system 114 receives a spoken header from the subscriber, system 114 plays the message (step 224) having the header that mostly matches that spoken by the subscriber.

The system plays the headers of the current messages and wait s for the subscriber to speak a header.

Regarding **claims 2 and 7**, Walsh discloses a registering the key segment by storing an identification and a characteristic of the key segment (column 3, lines 4-18).

Regarding **claim 3**, Walsh discloses a predefining the key segment (column 3, lines 10-18).

Regarding **claim 4**, Walsh discloses speech (column 3, lines 4-9).

Regarding **claim 6**, Walsh disclose all the limitations of **claim 6** as stated in **claim 1** rejection.

In addition, Walsh teaches tagging the voice message with the location of the detected key segment (column 4, lines 44-51).

Walsh states in column 4, lines 44-51:

FIG. 3 is a flow chart illustrating the steps performed when a tagged caller calls voice mail system 114. At step 310, system 114 answers the caller's call. At step 312, system 114 prompts for and receives a header from the caller as discussed above with respect to FIG. 1. Next, at step 314, system 114 compares the newly received header with a list of speech recognition templates marked in response to the tag command as discussed with respect to step 226.

The system prompts and receives a header from the caller and compares it with a list of speech recognition template.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Contolini et al. (US 6,233,553).

Regarding **claims 5 and 8**, Walsh as applied to **claims 2 and 7** above differ from **claims 5 and 8** in that it fails to disclose a pronunciation of the key segment.

However, Contolini discloses a pronunciation of the key segment (column 5, lines 7-16).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a pronunciation of the key segment of Contolini in the invention of Walsh.

The modification of the invention will offer the capability of pronouncing the key segment such as the system will understand the spelling word.

***Response to Arguments***

6. Applicant's arguments with respect to **claims 1-6** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

*Gerald Gauthier*  
g.g.  
August 9, 2002

*Allan Hoosain*  
ALLAN HOOSAIN  
PRIMARY EXAMINER  
*for*  
*Fan Tsang*